



August 30, 2017

**VIA UNITED STATES POSTAL SERVICE**

National Freedom of Information Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2822T)  
Washington, DC 20460

RE: Freedom of Information Act Request

Dear Sir/Madam:

This is a request pursuant to 5 USC 552 and 40 CFR Part 2, to the United States Environmental Protection Agency. I am an attorney representing victims of the Fiat-Chrysler "EcoDiesel" Emissions Fraud who have filed a civil lawsuit against FCA US, LLC, Fiat Chrysler Automobiles N.V., Robert Bosch LLC, and Robert Bosch GmbH alleging violations of the Racketeer Influenced and Corrupt Organizations Act as well as fraud, false advertising, violation of certain state fair trade practices, breach of contract and breach of warranty. This case is pending before the United States District Court for the Northern District of California, San Francisco Division and is captioned *In re: Chrysler-Dodge-Jeep EcoDiesel Marketing, Sales Practices, and Products Liability Litigation*; Case No. 17-MD-2777 EMC.

**Definitions**

An emissions "defeat device" is any auxiliary emission control device ("AECD") as defined under 40 C.F.R. § 86.1803-01 that "reduces the effectiveness of the emission control system under conditions which may reasonably be expected to be encountered in normal vehicle operation and use, unless: (1) Such conditions are substantially included in the Federal emission test procedure; (2) The need for the AECD is justified in terms of protecting the vehicle against damage or accident; (3) The AECD does not go beyond the requirements of engine starting; or (4) The AECD applies only for emergency vehicles..."

"Affected Vehicles" shall mean and refers collectively to all of the following vehicles: 2014 Dodge Ram 1500 and 2014 Jeep Grand Cherokee containing a 3.0-liter diesel engine.

The "Aftertreatment System" or "ATS" refers to the system that works with the engine to treat post-combustion exhaust gases prior to tailpipe emission and includes all subsystems (including the selective catalytic reduction ("SCR") system), sensors, filters, and other vehicle emission parts between the engine and the tailpipe.

"Communicate" or "Communication" shall mean all inquiries, discussions, conversations, negotiations, agreements, e-mails, undertakings, meetings, telephone conversations, letters, memoranda, notes, telegrams, advertisements, or other forms of information exchange, whether oral or written, between two or more persons.

"Concerning" and "relating to" (or any form thereof) shall mean, in whole or in part, alluding to, analyzing, characterizing, commenting upon, comprising, concerning, constituting, containing, dealing with, describing, disclosing, discussing, embodying, evidencing, explaining, identifying, mentioning, pertaining to, referring to, reflecting, responding to, setting forth, showing, stating, supporting, or summarizing.

"ECU" means Electronic Control Unit, the hardware device consisting of a microprocessor or microcontroller, random access memory (RAM), read only memory (ROM), EPROM, EEPROM, and an input/output interface which processes information from an motor vehicle's input sensors (engine coolant temperature, barometric pressure, air flow, etc.), in order to determine optimum settings for the output actuators (injection, idle speed, ignition timing, etc.). An example of an ECU is the Bosch EDC17.

"Record" or "Records" shall mean any and all records, files (including computer files), documents (as defined by the Federal Rules of Evidence, including those in electronic form), graphs, charts, maps, writings, correspondence, drawings, transcripts, drafts, recordings, data, studies, guidelines, directives, and/or reports.

"Bosch" means Robert Bosch GmbH, The Bosch Group, Robert Bosch LLC, and their parents, subsidiaries, affiliates, predecessor entities, successor entities, divisions, departments, groups, and any of its directors, supervisory board and its members, officers, employees, partners, members, representatives, agents (including attorneys, accountants, consultants, investment advisors or bankers), and any other Person purporting to act on its behalf.

"Fiat-Chrysler" or "FCA" means Fiat Chrysler Automobiles N.V., Fiat Automobiles, S.p.A., FCA Italy S.p.A., FCA US LLC, Fiat Chrysler Automobiles, Fiat Automobiles Co., Fiat S.p.A., Fiat Auto S.p.A., Fiat Auto Holding B.V., Fiat Group, Fiat Auto Group, Fiat Group Automobiles, Fiat



Powertrain Technologies S.p.A., Fiat Industrial S.p.A., FPT Industrial S.p.A., and their parents, subsidiaries, affiliates, predecessor entities, successor entities, divisions, departments, groups, and any of its directors, supervisory board and its members, officers, employees, partners, members, representatives, agents (including attorneys, accountants, consultants, investment advisors or bankers), and any other Person purporting to act on its behalf.

“General Motors” or “GM” means General Motors LLC, General Motors Company, General Motors Corporation, and their parents, subsidiaries, affiliates, predecessor entities, successor entities, divisions, departments, groups, and any of its directors, supervisory board and its members, officers, employees, partners, members, representatives, agents (including attorneys, accountants, consultants,

“VM Motori” or “VM” means VM Motori S.p.A., VM North America, Inc., and their parents, subsidiaries, affiliates, predecessor entities, successor entities, divisions, departments, groups, and any of its directors, supervisory board and its members, officers, employees, partners, members, representatives, agents (including attorneys, accountants, consultants, investment advisors or bankers), and any other Person purporting to act on its behalf.

The terms "all," "any," and "each" shall each be construed to include all of those terms.

You” or “Your” means the person or entity responding to these Requests.

#### **Relevant Time Period**

The relevant time period for each Request is from January 1, 2013 to the present (the “Relevant Time Period”), unless otherwise specifically indicated, and shall include all Documents and information Concerning such period, even though prepared or published outside of the Relevant Time Period. If a Document prepared before the Relevant Time Period is necessary for a correct or complete understanding of any document covered by a Request, you must produce the earlier or subsequent document as well. If a Document is undated, the date of its preparation cannot be ascertained, and the Document is otherwise responsive to Request, the Document shall be produced.

#### **Specific Requests**

Beginning on March 18, 2014, FCA US LLC issued a series of “vehicle performance” technical service bulletins (“TSB”) requiring their service technicians to “selectively eras[e] and reprogram[] the Powertrain Control Module (“PCM”) with new software” in all MY 2014 Jeep Grand Cherokee EcoDiesel vehicles. By November 21, 2014, these TSBs requiring reprogramming of the PCM and possible replacement of the Selective Catalyst Reduction (“SCR”) catalyst included

both the MY 2014 Jeep Grand Cherokee EcoDiesel and the MY 2014 Ram 1500 EcoDiesel. In April 2016, FCA issued a recall – Emissions Recall R69 – on both vehicles which required replacement of the SCR catalyst and five additional emissions system parts.

On January 12, 2017, the United States Environmental Protection Agency (“EPA”) issued a Notice of Violation (“NOV”) to Fiat Chrysler Automobiles N.V. and FCA US LLC for violation of section 203(a)(1) of the Clean Air Act (“CAA”), 42 U.S.C. § 7522 (a)(1). The EPA’s investigation determined that certain FCA vehicles were equipped with a “defeat device” that bypassed, defeated, or otherwise rendered inoperable certain elements of the vehicles’ emission control system that exist to comply with CAA emissions standards. The EPA continues to investigate whether FCA violated section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B).

I am hereby requesting the documents identified below.

1. Any and all Communications or Records (whether in hard copy or electronic form) in Your possession related to any EPA investigation of FCA concerning Emissions Recall R69, SCR catalyst “washcoat degradation,” or any other emissions system or ATS issue found within the Affected Vehicles.
2. Any and all Communications (whether in hard copy or electronic form) between You and the California Air Resources Board (“CARB”), FCA, GM, VM Motori or Bosch related to Emissions Recall R69, SCR catalyst “washcoat degradation,” or any other emissions system or ATS issue found within the Affected Vehicles.
3. Any and all Communications or Records (whether in hard copy or electronic form) in Your possession related to any emissions testing conducted on the Affected Vehicles by the EPA, CARB, FCA, GM, VM Motori or Bosch at any point in time during the relevant time period.
4. Any and all Communications or Records (whether in hard copy or electronic form) in Your possession related to any repair, fix, modification, correction, adjustment or recalibration concerning the On Board Diagnostics (“OBD”), Diagnostic Trouble Codes (“DTC”), Malfunction Indicator Lamps (“MIL”) or any part of the PCM found within the Affected Vehicles.
5. Any and all Communications or Records (whether in hard copy or electronic form) in Your possession related to any repair, fix, modification, correction, adjustment, reprogramming or



recalibration of any part of the engine, ECU, emissions system or ATS found within the Affected Vehicles.

6. Any and all Communications or Records (whether in hard copy or electronic form) in Your possession related to any of the following TSBs, any of their revisions or any data or testing leading to their creation:

TSB 18-045-14

TSB 18-023-15

TSB 18-094-15

TSB 18-018-14

TSB 18-064-15

TSB 18-012-16

7. Any and all Communications or Records (whether in hard copy or electronic form) related to Applications for Emissions Certification ("AEC"), Certificates of Conformity ("COC") or any related supplement, revision or modification made thereto in Your possession concerning the Affected Vehicles.
8. Any and all Communications or Records (whether in hard copy or electronic form) between the EPA and CARB, FCA, GM, VM Motori or Bosch related to the acceptance, supplementation, revision, modification, approval or denial of any AEC or COC concerning the Affected Vehicles.

### Shipment

If you deny all or part of this request, please cite the specific exemptions you believe justify your refusal to release the information and notify me of your appeal procedures available under law. In excising material, please "black out" rather than "white out" or "cut out." Please respond to this request within 20 business days as provided for by law.

I agree to pay whatever fees are incurred to complete this request. However, I request that prior to your incurring any fees in excess of \$500 that I be advised of the total estimate.

Thank you for your consideration in this matter.

Yours truly,

A handwritten signature in blue ink, appearing to read "John F. Rota", followed by a vertical line and the letters "JFR".



**Motlely Rice**  
*Attn: R. Lashon*

ATTORNEYS AT LAW

28 BridgeSide Blvd.

Mt. Pleasant, SC 29464

ADDRESS SERVICE REQUEST



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